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09/981,847	10/18/2001	Edelbert Konig	A-2875	7052

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LERNER AND GREENBERG, PA  
P O BOX 2480  
HOLLYWOOD, FL 33022-2480

EXAMINER

NASH, LASHANYA RENEE

ART UNIT PAPER NUMBER

2153

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/981,847	KONIG, EDELBERT	
	<b>Examiner</b>	<b>Art Unit</b>	
	LaShanya R Nash	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

Claims 1-12 are pending.

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Objections***

Claims 1-3,5,9, and 12 are objected to because of the following minor informalities: improper punctuation; improper grammar.

Claims 1, 2, 3, and 12 are objected to due to improper punctuation. Examiner suggests inserting a colon in lines 3, 1, 1, and 1 of the aforementioned claims respectively.

Claims 5 -6 are objected to due to improper grammar. Examiner suggests replacing the limitation "data are" in lines 3 of the aforementioned claims with "data is".

Claim 9 is objected to due to improper grammar. Examiner suggests replacing the limitation "data were" in line 3 of the aforementioned claim with "data was".

Claim 12 is objected to due to improper grammar and inconsistent terminology. Examiner suggests replacing the limitation "A computing unit with a memory, comprising at least one of hardware and software" in lines 1-2 of the aforementioned claim with "A computing unit system comprising: a memory, and at least one hardware component and software component".

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10-11 recite the limitation "the printing press" in lines 2. There is insufficient antecedent basis for this limitation. Examiner suggests replacing with "a printing press" for proper antecedent basis.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

*Why is this reference being cited as 102(a)?*

**Claims 1 and 12 are rejected under 35 U.S.C. 102(a) as being anticipated by Sridhar et al. (US Patent 6,098,108) hereinafter referred to as Sridhar.**

In reference to claim 1, Sridhar discloses a method for establishing a data connection between computing systems within a network through access of directory

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information such as network address and employed protocol, (abstract). Sridhar explicitly discloses:

- A method for establishing a data connection and for transmitting data from a first computing unit (i.e. client computer) and a second computing unit (i.e. server computer), (column 5, line 26 to column 6, line 26), which comprises:
  - In the first computing unit, selecting and reading out from a database (Figure 16-item 1620) an address of the second computing unit in a selection program (Figure 16-1535), (column 6, lines 22-26 and column 24, line 57 to column 6, line 11);
  - Establishing a connection with the address of the second computing unit, (column 6, lines 22-26 and column 24, line 57 to column 6, line 11);
  - Initially performing a version comparison between the first and second computing units with respect to an employed communications protocol, (column 9, line 44 to column 11, line 39);and
  - After the communications protocol is determined, establishing a data connection for transmitting data, (column 9, line 44 to column 11, line 39).

In reference to claim 12, Sridhar discloses a system for establishing a data connection between computing systems within a network through access of directory information such as network address and employed protocol, ( abstract, and Figure 14). Sridhar explicitly discloses:

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- A computing unit with a memory (Figure 14-item 1457), comprising at least one of hardware (Figure 14-item 1453) and software (Figure 15) , (column 23, line 57 to column 25, line 2), for:
  - Establishing a data connection and for transmitting data from a first computing unit (i.e. client computer) and a second computing unit (i.e. server computer), (column 5, line 26 to column 6, line 26), which comprises:
    - In the first computing unit, selecting and reading out from a database (Figure 16-item 1620) an address of the second computing unit in a selection program (Figure 16-1535), (column 6, lines 22-26 and column 24, line 57 to column 6, line 11);
    - Establishing a connection with the address of the second computing unit, (column 6, lines 22-26 and column 24, line 57 to column 6, line 11);
    - Initially performing a version comparison between the first and second computing units with respect to an employed communications protocol, (column 9, line 44 to column 11, line 39);and
    - After the communications protocol is determined, establishing a data connection for transmitting data, (column 9, line 44 to column 11, line 39).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sridhar as applied to claim 1 above, in view of Collin, Zeev (International Publication Number WO 00/49501), hereinafter referred to as Collin.**

In reference to claim 2, although Sridhar discloses substantial features of the claimed invention, as previously addressed, Sridhar fails to disclose the aforementioned connection method to include: displaying a specified number of diagnostics programs, selecting and starting one of the diagnostics programs via the first computing unit; and transmitting results of the one diagnostics program to the first computing unit.

Nonetheless, modifying the communication method as disclosed by Sridhar so as to employ diagnostic server applications would have been an obvious modification for one of ordinary skill in art at the time of the invention, as further evidenced by Collin.

In an analogous art, Collin discloses a method for establishing communication channels between computing system so as to transmit information related to diagnostic modules (abstract). Collin further discloses: displaying a specified number of diagnostics programs, selecting and starting one of the diagnostics programs via the first computing unit (i.e. client); and transmitting results of the one diagnostics program to the first computing unit, (Collin page 3, line 1 to page 5, line 26). This modification to the method disclosed by Sridhar would have been obvious because one of ordinary skill in the art would have been so motivated to accordingly implement these limitations so

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as to assist the user monitoring systems for performing diagnostics thereby optimizing communications between the computer systems, (Collin page 4, lines 3-5).

**Claims 3-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sridhar in view of Collin, as applied to claim 2 above, and further in view of Waite et al. (US Patent 4,688,170).**

In reference to claim 3, Sridhar and Collin disclose substantial features of the claimed invention specifically: displaying a specified number of diagnostics programs, selecting and starting one of the diagnostics programs via the first computing unit (i.e. client); and transmitting results of the one diagnostics program to the first computing unit, (Collin page 3, line 1 to page 5, line 26). However, the references fail to explicitly disclose the method monitoring a printing press connected to the second computing unit. Nonetheless, establishing multi-protocol communication between computers connected to printing presses (i.e. printer) was well known in the art, as further evidenced by Waite. Therefore, this would have been an obvious modification to the method as disclosed by Sridhar and Collin for one of ordinary skill in the art at the time of the invention.

In an analogous art, Waite discloses a method for establishing communication between diverse computers in a network via selecting an appropriate channel that communicates using the specified protocol of the intended recipient, (Waite abstract and column 1, line 64 to column 2, line 40). Waite further discloses this method is employed between computers in which a printing press is connected, (Wait column 3,



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line 24 to column 4, line 5; Figure 2-item 44). This modification to the method disclosed by Sridhar and Collin would have been obvious because one of ordinary skill in the art would have been so motivated to accordingly implement these limitations so as to assist the user in monitoring systems for performing diagnostics on peripheral devices (e.g. printers, modems, disk drives, displays) and thereby optimizing communications between the computer systems, (Collin page 4, lines 3-5 and Waite Figure 2).

In reference to claim 4, Sridhar, Collin, and Wait further show the method which includes providing a table (i.e. database) wherein diagnostics programs are assigned to specific devices (i.e. printing presses), so that when establishing a connection, the diagnostic programs pertaining to a device are displayed for selection, (Collin page 3, line 1 to page 5, line 26).

In reference to claim 5, Sridhar, Collin, and Waite show the method which includes depending upon the diagnostic program (i.e. server application) that is selected, establishing a communications protocol via which data is transmitted between the first and second computing units, (Sridhar column 9, line 44 to column 11, line 39).

In reference to claim 6, Sridhar, Collin, and Waite show the method which includes depending upon the diagnostic program that is selected, providing a specified number of data ports via which data is transmitted, (Waite column 3, lines 24 to column 4, line 5 and Figure 2-item 30).

In reference to claim 7, Sridhar Collin, and Waite show the method which includes transmitting specified data only via specified data ports, (Waite column 3, lines 24 to column 4, line 5 and Figure 2-item 30).

In reference to claim 9, Sridhar Collin, and Waite show the method which includes transmitting providing in each packet an identifier for the data port, which indicates the data port from which data was output, (Sridhar column 15, line 56 to column `6, line 64).

**Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sridhar in view of Collin and further in view of Waite, as applied to claims 3-7 above. and further in view of Official Notice.**

In reference to claim 8, although Sridhar, Collin, and Waite disclose substantial features of the claimed invention the references fail to disclose outputting the data in parallel via the data ports, and transmitting the data output serially in data packets via the data connection. However, the Examiner serves Official Notice that these limitations were well known in the art at the time of the invention and therefore would have been obvious modifications to the method as disclosed by Sridhar, Collin, and Waite for one of ordinary skill in the art at the time of the invention. One of ordinary skill in the art would have been so motivated to accordingly modify the aforementioned method so as

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to increase the output rate of data through selected ports, thereby improving system efficiency.

**Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sridhar as applied to claim 1, further in view of Collin, Zeev (International Publication Number WO 00/49501), and Waite et al. (US Patent 4,688,170), hereafter referred to as Collin and Waite respectively.**

In reference to claims 10 and 11, Sridhar discloses substantial features of the claimed invention such as a communication method that includes depending on the server application selected, selecting a communication protocol, (Sridhar column 9, line 44 to column 11, line 39). However, Sridhar fails to disclose the aforementioned connection method to include: selecting a type of control with which the printing press is controlled by the computing unit, and depending upon the control that is selected, selecting [claim 10] and displaying [claim 11] at least one of the communications protocols and a diagnostic program. Nonetheless, modifying the communication method as disclosed by Sridhar so as to employ diagnostic server applications would have been an obvious modification for one of ordinary skill in art at the time of the invention, as further evidenced by Collin.

In an analogous art, Collin discloses a method for establishing communication channels between computing system so as to transmit information related to diagnostic modules (abstract). Collin further discloses: selecting a type of control (i.e. driver) with which the device is controlled by the computing unit (i.e. client) , and depending upon

the control that is selected, selecting and displaying a diagnostic program, (Collin page 3, line 1 to page 5, line 26). This modification to the method disclosed by Sridhar would have been obvious because one of ordinary skill in the art would have been so motivated to accordingly implement these limitations so as to assist the user monitoring systems for performing diagnostics thereby optimizing communications between the computer systems, (Collin page 4, lines 3-5).

Sridhar and Collin still fail to disclose a printing press controlled by a computing unit. Nonetheless, establishing multi-protocol communication between computers connected to and controlled by printing presses (i.e. printer) was well known in the art, as further evidenced by Waite. Therefore, this would have been an obvious modification to the method as disclosed by Sridhar and Collin for one of ordinary skill in the art at the time of the invention.

In another analogous art, Waite discloses a method for establishing communication between diverse computers in a network via selecting an appropriate channel that communicates using the specified protocol of the intended recipient, (Waite abstract and column 1, line 64 to column 2, line 40). Waite further discloses this method is employed between computers in which a printing press is connected, (Waite column 3, line 24 to column 4, line 5; Figure 2-item 44). This modification to the method disclosed by Sridhar and Collin would have been obvious because one of ordinary skill in the art would have been so motivated to accordingly implement these limitations so as to assist the user in monitoring systems for performing diagnostics on peripheral

devices (e.g. printers, modems, disk drives, displays) and thereby optimizing communications between the computer systems, (Collin page 4, lines 3-5 and Waite Figure 2).

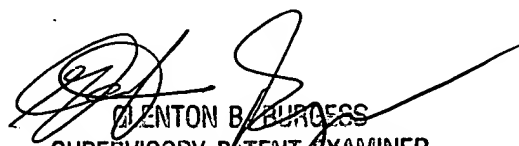
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShanya R Nash whose telephone number is (571) 272-3957. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShanya Nash  
Art Unit 2153  
December 27, 2004

  
GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

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